

ARGUMENTS/REMARKS

Claims 1 through 6 and 8 through 30 are presented for consideration upon entry of the instant amendment which is respectfully requested. Claims 1, 19 through 21, 23 and 24 have been amended for purposes of clarity.

In the Office Action Summary sheet, the drawings filed on February 19, 2004 were indicated as being objected to by the Examiner. After a review of all prior Office Action Summaries in the application, there has never been any objection to the drawings. Additionally, the substance of the Office Actions do not indicate or address any objections to the drawings. In fact, the Office Action Summary mailed on February 10, 2005 indicates that the originally filed drawings were accepted by the Examiner. Withdrawal and reconsideration of the drawing objection are respectfully requested.

The Office Action rejects claims 1 through 6 and 8 through 24 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree with these rejections.

The Office Action alleges that Claim 1 is not clear "as to what the "intermediate" layer is the actual adhering layer, a fusing layer or another layer that has an adhesive applied thereto. The word "intermediate" is commonly known to mean "lying or being in the middle place, or degree or between extremes". *Webster's New International Dictionary*, 1296 (2nd ed. unabridged 1959). Claim 1 has been amended to remove the word intermediate. Claim 1 now claims in pertinent part, " an adhesive layer for adhering or fusing said transparent layer and said support layer, said adhesive layer having elastic properties to permit stretching with said support layer and said transparent layer wherein said support layer and said adhesive layer has a design or pattern thereon that is visible through said transparent layer."

Similarly, claim 19 has been amended to read in pertinent part “ an adhesive layer for adhering or fusing said transparent layer and said support layer, said adhesive layer having elastic properties to permit stretching with said support layer and said transparent layer wherein said support layer and said adhesive layer has a design or pattern thereon that is visible through said transparent layer, wherein said support layer or said adhesive layer is visible through said transparent layer”.

Claims 1 and 19 are broadly claimed. The adhesive structure is not required to be claimed to satisfy the requirements of 35 U.S.C. 112, second paragraph. The scope of the claimed subject matter can be determined by one having ordinary skill in the art. Applicants are not required to claim the actual structure to render the rejected claims definite. That the cited prior art does not disclose the claimed subject matter does not render the instant claims indefinite.

The Office Action also states that if the undergarment of claim 1 is a brassiere that it should be claimed as such since the term undergarment would cover any undergarment. Applicants respectfully disagree. Applicants' broad claim language does not render the claims indefinite.

Regarding claim 9, the Office Action states that “it is not clear as to what the adhesive or fusing layer encompasses”. Applicants respectfully disagree. The scope of this claim would be clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. The broad claim language does not render the claim language indefinite.

Reconsideration and withdrawal of the 35 U.S.C.112, second paragraph rejection are respectfully requested.

The Office Action also states that claim 14 is not clear in regard to the “adhesive layer”. The adhesive structure is not required to be claimed to satisfy the requirements of 35 U.S.C. 112, second paragraph. That structure is not required to be claimed to

render the rejected claims definite. That the cited prior art does not disclose the claimed subject matter does not render the instant claims indefinite.

The Office Action also alleges that claim 25 is not clear in regard to the thermoadhesive. A claim need not recite every possible alternative to be considered definite.

The Office Action also alleges that claim 26 is not clear because the cutting of the pattern is not clear. As discussed above, such a claim should be clear to a hypothetical person possessing ordinary skill in the art.

The Office Action also alleges that claim 27 is not clear because the claimed ability of the adhesive layer to provide support is unclear. As discussed above, such a claim should be clear to a hypothetical person possessing ordinary skill in the art.

The Office Action also alleges that the claimed transparency of the adhesive layers of claim 28 is not clear. Again, as discussed above, such a claim should be clear to a hypothetical person possessing ordinary skill in the art.

The Office Action also alleges that how the pattern of claim 29 is formed is unclear. Applicants respectfully disagree. Claim 29 is an article claim and claims in pertinent part that "said outer layer comprises a pattern that can be seen through said adhesive layer". The process of making the pattern is not required to be claimed to render the claims definite.

In the Office Action, claims 1 through 6 and 8 through 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The enablement requirement of 35 U.S.C. 112, first paragraph requires that the specification describe how to make and how to use the invention. The Office Action

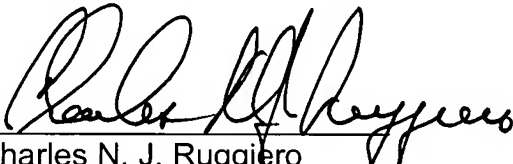
states that the claims are not clear for the reasons discussed above, does not clearly define the adhesive layer or the molding process used.

Applicants have already addressed the Offices rejections regarding indefiniteness above. Applicants addressed the clarity of the adhesive layer in the above paragraphs. Further, page 4 of the specification provides a thorough description of the adhesive material. The materials and the molding process, are those materials that would maintain their elasticity after the molding process. The materials used in the instant application are discussed on pages 5 and 6 of the specification.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Accordingly, entry and consideration of the instant amendment are respectfully requested.

Respectfully submitted,

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